

## REMARKS

### **I. General**

Claims 1-7, 9-30, 33-50, and 54-74 are presently pending in the application. The issues in the current Office Action are as follows:

- Claim 8 is rejected under 35 U.S.C. § 112 as being indefinite.
- Claims 1-3, 8-9, 11, 15-18, 22, 26-28, 32-35, 40-41, 44-45, 47-48, 52-55, 59, 63-67, and 74 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,415,321 (hereinafter *Gleichauf*) in view of US 6,611,869 (hereinafter *Eschelbeck*) and “Operating Firewalls Outside the LAN Perimeter” (hereinafter *Smith*).
- Claims 5, 21, 37, 58, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gleichauf* in view of *Eschelbeck* and *Smith* as applied to claims 3, 18, 28, 35, and 67 respectively above, and further in view of US 6,725,377 (hereinafter *Kouznetsov*).
- Claims 6-7, 10, 12-14, 20, 23-25, 38-39, 43, 46, 57, 60-62, and 70-73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gleichauf* in view of *Eschelbeck* and *Smith* as applied to claims 1, 17, 18, 29, 33, and 65 respectively above, and further in view of US 5,991,881 (hereinafter *Conklin*).
- Claims 30 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gleichauf* in view of *Eschelbeck*, *Smith*, and *Kouznetsov* as applied to claims 29 and 49 respectively above, and further in view of *Conklin*.

Applicant appreciates the courtesy and professionalism extended by the Examiner thus far. Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

## **II. Claim Amendments**

Claim 8 is canceled by this amendment without prejudice.

## **III. Claim Rejections**

### **A. 35 U.S.C. § 112 Rejection**

On page 2 of the Office Action, claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant mistakenly failed to cancel claim 8 in the previous response but cancels claim 8 in the present response. Applicant apologizes for the confusion and thanks the Examiner for being vigilant.

### **B. 35 U.S.C. § 103(a) Rejection over *Gleichauf* in view of *Eschelbeck* and *Smith***

On pages 3-8 of the Office Action, claims 1-3, 8-9, 11, 15-18, 22, 26-28, 32-35, 40-41, 44-45, 47-48, 52-55, 59, 63-67, and 74 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gleichauf* in view of *Eschelbeck* and *Smith*. Applicant respectfully traverses the rejection.

Applicant showed in the response of June 29, 2009 that the modification of *Gleichauf* using principles from *Smith* to “block[s] attacks as close to the source of the attack as possible” would change the principle of operation of *Gleichauf*. Response of June 29, 2009 at 18-20. Thus, Applicant showed, the proposed combination is improper.

In the Response to Arguments section of the latest office action, the rejection states that Applicant’s argument is unpersuasive because “[i]n *Gleichauf*’s invention the gateway that is as close to the source as possible is the router 14...[t]he proposed modification to *Gleichauf* was to use an ACL in router 14 to block the incoming traffic as taught by *Smith*.” Office Action at 13 (emphasis omitted). In other words, the latest office action clarifies the rejection to include operating router 14 of *Gleichauf* as a *Smith*-type gateway router, and the rejection still holds the reason to combine *Gleichauf* and *Smith* is that such modification can be made “to block attacks as close to the source of the attack as possible.” *Id.* at 4.

However, the logic used in the rejection is inconsistent and unsustainable. Specifically, the modification of *Gleichauf* to use its corporate network-based router 14 as a gateway router (as described in the office action) fails to reap the benefits of *Smith*, which teaches moving the gateway router function into the Internet to stop in-bound attacks as close to the attacks as possible. For instance, should the rejection attempt to assert that *Gleichauf*'s router 14, which is in a corporate network, be used as a gateway router, then the modified system of *Gleichauf* does not "block attacks as close to the source of the attack as possible" as envisioned by *Smith* because such system fails to implement the gateway router function in the Internet. The rejection fails to offer any rational reason to make the modification because the rejection's own reasoning to make the modification is untrue. "[T]here must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007). There is no reason why a rational person would make the proffered modification to *Gleichauf*, and the rejection has failed to show that the invention is obvious. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-3, 8-9, 11, 15-18, 22, 26-28, 32-25, 40-41, 44-45, 47-48, 52-55, 59, 63-67, and 74.

**C. 35 U.S.C. § 103(a) Rejection over *Gleichauf* in view of *Eschelbeck* and *Smith* and further in view of *Kouznetsov***

On page 8 of the Office Action, claims 5, 21, 37, 58, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gleichauf* in view of *Eschelbeck* and *Smith* as applied to claims 3, 18, 28, 35, and 67 respectively above, and further in view of *Kouznetsov*. Applicant respectfully traverses the rejection.

As shown above, the rejection of the independent claims proposes to improperly modify *Gleichauf*. The rejection of claims 5, 21, 37, 58, and 69 adds *Kouznetsov* but fails to cure the deficiency noted above with respect to the rejection of the independent claims. Therefore, the rejection including *Kouznetsov* fails to show that the claims are obvious. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection.

**D. 35 U.S.C. § 103(a) Rejection over *Gleichauf* in view of *Eschelbeck* and *Smith* and further in view of *Conklin***

Claims 6-7, 10, 12-14, 20, 23-25, 38-39, 43, 46, 57, 60-62, and 70-73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gleichauf* in view of *Eschelbeck* and *Smith* as applied to claims 1, 17, 18, 29, 33, and 65 respectively above, and further in view of *Conklin*. Applicant respectfully traverses the rejection.

As shown above, the rejection of the independent claims proposes to improperly modify *Gleichauf*. The rejection of claims 6-7, 10, 12-14, 20, 23-25, 38-39, 43, 46, 57, 60-62, and 70-73 adds *Conklin* but fails to cure the deficiency noted above with the rejection of the independent claims. Therefore, the rejection including *Conklin* fails to show that the claims are obvious. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection.

**E. 35 U.S.C. § 103(a) Rejection over *Gleichauf* in view of *Eschelbeck*, *Smith*, and *Kouznetsov* and further in view of *Conklin***

Claims 30 and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gleichauf* in view of *Eschelbeck*, *Smith*, and *Kouznetsov* as applied to claims 29 and 49 respectively above, and further in view of *Conklin*.

As shown above, the rejection of the independent claims proposes to improperly modify *Gleichauf*. The rejection of claims 30 and 50 adds *Kouznetsov* and *Conklin* but fails to cure the deficiency noted above with respect to the rejection of the independent claims. Therefore, the rejection including *Kouznetsov* and *Conklin* fails to show that the claims are obvious. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection.

**IV. Conclusion**

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due for this response. Please charge any fees required or credit any overpayment to Deposit Account No. 06-2380, under Order No. 58895/P001C1/10316486 during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,

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